

VIDEO HEARING PROCEDURES

General Public and Participants:

Bankruptcy hearings and trials are public. The general public is invited to attend hearings and trials in person.

Participants (Attorneys, Witnesses, Interested Parties):

All video conference participants must conduct a pre-hearing test using the same equipment that they intend to use during the hearing. Instructions and a link to schedule a test appointment are provided on the Court's website.

Participants should use a headset, headphones, earbuds, or similar equipment and should not use the microphone and speakers built into their devices unless the participant tested the device and is certain the device will not create feedback during the proceeding. Participants and any person monitoring the hearing must mute their microphones when not speaking. To ensure the accuracy of the record, participants should state their names before speaking.

Participants must exit other applications on their computers while attending the hearing. This includes email, messaging applications, or any other application that would create an alert on the computer. These alerts are distracting and may impact the clarity of the recording.

Pursuant to Rule 43(a) of the Federal Rules of Civil Procedure (made applicable by Rule 9017 of the Federal Rules of Bankruptcy Procedure), for cause and in compelling circumstances the Court may permit a witness to testify by contemporaneous transmission from a location other than the courtroom.

Witnesses may join the hearing at the beginning, unless a party or the Court invokes the sequestration rule (FRE 615), in which case each excluded witness will be called to testify based on a prearranged schedule.

Counsel is responsible for securing the participation of the witness on a timely basis and without imposing any delay on the hearing. The Court will administer the oath to each remote witness during the video conference, and witness testimony will have the same effect and be binding on each remote witness, just as if the remote witness took the oath in person in open court.

As additional safeguards during the remote witness's testimony, the Court requires:

(a) each remote witness to disclose the city, state, and country and the type of place (such as home or office) where the witness is located while testifying,

(b) the witness must testify from a quiet room and ensure that his or her image clearly appears on the video feed with no distracting background,

(c) no other person may be permitted to be in the same room with any remote witness unless specifically and expressly authorized by the Court before the witness begins testifying,

(d) the witness will be invited to testify from and about exhibits or documents displayed by the Court during the hearing; the remote witness must not access or read any other email, documents or data during the hearing,

(e) no person may communicate in any way with a witness during his or her testimony, except by direct examination or cross-examination on the record, unless specifically and expressly authorized by the Court before the communication takes place.

The Court or any party may request that the witness display identification or require one or more other participants vouch for the witness, if there is any question about the identity of a witness.

Although conducted using video conferencing technology, the hearing is a court proceeding. The formalities of the courtroom must be observed. Counsel and witnesses must dress appropriately, exercise civility, remove external distractions and otherwise conduct themselves in a manner consistent with the dignity of the Court.

No person may record the proceedings from any location by any means. The audio recording maintained by the Court will be the sole basis for creating a transcript that constitutes the official record of the hearing.